



PRESSLY
DEVELOPMENT
COMPANY, INC.

DOCKET FILE COPY ORIGINAL

RECEIVED

AUG 11 1999

FOR MAIL ROOM

August 2, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St. SW – TW – A325
Washington, D.C. 20554

RE: Promotion of competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98

Dear Ms. Salas:

I am writing in response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings. I have enclosed six copies of this letter, in addition to the original.

I am resolved the actions proposed by the FCC will effect a taking of my property without just compensation. Such actions will not only interfere with my business operations and give my property to large and wealthy telecommunications firms, such actions will unnecessarily and unfairly hurt my business, place the residents at a competitive disadvantage for the purchase of telecommunications services, and needlessly raise additional legal problems as a result of this unprecedented government action.

I provide rental multifamily homes in Statesville and Hickory, NC. We provide rental and for sale homes for our local citizens.

I am doing everything I can to meet my tenants' needs and demands for access to a wide range of telecommunications services. Mine is an extremely competitive industry. We compete with other multifamily properties in every community in which our properties are located. In addition to competing on unit size, location and layout, one of the primary areas of competition is the set of amenities I can provide to my tenants. One of the most important of these is telecommunications service.

In each of my properties in each market in which we are located, my company studies the market, analyzes the best package of telecommunications services available, determines what our tenants want and negotiates vigorously with providers of these services. If tenants with month-to-month or one year tenancies are forced to negotiate directly with national or international telecommunications firms, they will be at a decided disadvantage. My company has the negotiating strength afforded one who represents hundreds of tenants. No individual can strike as good a deal as we can in this collective manner.

Furthermore, once a telecommunications firm has entered and wired one of our buildings, other providers may be less interested in incurring the cost to compete. Thus, it is likely that one or more of the large firms will obtain an effective monopoly on providing services to our tenants at what will be far from an arms-length, negotiated rate. We have all seen what has happened to cable TV rates where cable TV companies have acquired monopolies in communities across the country. Is it necessary to create such a system when we already have the incentive to negotiate for, and provide the most effective, extensive and competitive set of services in our competitive business?

The proposed rules go beyond the scope of my existing easements. They will interfere with existing agreements and expand satellite dish rules into other non-video services. In addition, FCC action is not necessary. As a competitive edge to my apartment communities, I offer TV service at a huge discount to that offered by municipal franchisees. I use this technique of discounts on video TV services to give my apartment communities an edge over others. Therefore, your proposed FCC action is not necessary. Furthermore, non-discriminatory access simply discriminates in favor of the first provider who was there. In my apartment building, unless large boxes are mounted on exterior holes and holes through walls, limited space prevents additional providers coming into the building.

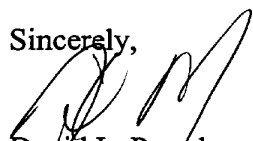
In addition, I have a huge liability regarding who has access to the apartment community. I go to great lengths to prevent people who do not belong from entering the community for the safety and security of the residents for whom I have the responsibility.

I do not have exclusive contracts for TV providers in my communities. I learned that through exclusive contracts my residents that don't have the opportunity for a discounted service, I bid the programming services, and pass those savings on to residents. This gives my communities a competitive edge over others who do not have this opportunity.

Furthermore, I oppose existing satellite dish rule because I am certain Congress did not mean to interfere with the rights and ability of an owner to manage his property. Also, the FCC should not expand the satellite rule to include data and other services, because the law only applies to antennas used to receive video programming. In addition, I have had big problems with residents who have installed their own TV systems in spite of your FCC ruling. Apartment residents ignore your ruling, drill holes in walls, mount antennas in unsafe and ungrounded locations, and my experience is the resident who installs his own dish has absolutely no concern for the safety of his neighbors, not to mention his detriment to the building.

I am unalterably opposed to your possible change of rule and I strongly urge the FCC to refrain from issuing it in final form.

Sincerely,



David L. Pressly